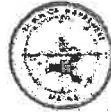


35/95

Code Office

NOV 29 2021

Received



**TOWN OF HARPSWELL
SHORELAND USE APPLICATION**

(CEO APPROVAL STICKER)	COMMENTS OR CONDITIONS OF APPROVAL:
(FLOOD PLAIN APPROVAL STICKER)	NAME & ADDRESS OF CONTRACTOR/BUILDER
	PHONE #

**SHORELAND USE PERMITS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF ISSUANCE AND
DO NOT INCLUDE ANY OTHER STATE OR FEDERAL PERMITS.**

For Office Use Only: Application Received <u>11/29/21</u> Permit Fee <u>420.00</u> Payment Received <u>11/29/21</u> Approved By: _____			
PLOT PLANS, DRAWINGS AND ALL OTHER PERTINENT INFORMATION MUST ALSO BE INCLUDED WITH THIS APPLICATION FORM. INCOMPLETE APPLICATIONS <u>WILL NOT</u> BE REVIEWED			
Property Owner (s) <u>Fred Dambrie</u>		Phone <u>207-632-4128</u>	
Mailing Address <u>P.O. Box 570 Berlin NH 03570</u>		Map <u>35</u>	Lot <u>95</u> Zone _____
Applicant Name and Address ** <u>Ben Wallace Sr / Redfish</u> <u>50 Holbrook St. Harpswell, ME 04079</u>		Phone <u>207-729-0772</u>	
**Note: if the applicant is not the owner of the property, a letter of authorization from the owner(s) must accompany this application			
Location or Physical Address of Site: <u>170 Bayview Rd. Orr's Island</u>		Estimated Cost <u>\$37,000-</u>	
ACTIVITIES THAT WILL OCCUR TO THE PROPERTY IF THIS PERMIT IS APPROVED			
<input type="checkbox"/> VEGETATION REMOVAL <input type="checkbox"/> EARTH MOVING AND/OR FILLING <input checked="" type="checkbox"/> CONSTRUCT A PIER, DOCK, WHARF OR BRIDGE <input type="checkbox"/> INSTALL SEAWALL, RIPRAP OR ANY ACTIVITY CONDUCTED BELOW THE HIGH WATER MARK <input type="checkbox"/> OTHER _____			
Project Description: <u>Proposed construction of piling supported 6'x42' dock.</u> <u>seasonal 3'x50' ramp seasonal 12'x29' float</u> <u>with keels & moorings</u>			
I UNDERSTAND THAT I MAY NOT START ANY PART OF MY PROJECT WITHOUT FIRST RECEIVING MY PERMIT. I HEREBY ATTEST THAT THE ABOVE INFORMATION AND ALL SUPPLEMENTAL INFORMATION SUBMITTED WITH THIS APPLICATION IS CORRECT TO THE BEST OF MY KNOWLEDGE I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT AND WE AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THIS JURISDICTION.			
Applicant Signature <u>B. Wallace Sr</u>		Date <u>11/20/21</u>	
ADDITIONAL PERMITS, APPROVALS AND INSPECTIONS REQUIRED			
ARMY CORPS OF ENGINEERS _____ DEP _____ HARBORMASTER _____ PLANNING BOARD _____			
BOARD OF APPEALS _____ SELECTMEN _____ OTHER _____			
ALL OTHER PERMITS ARE REQUIRED TO BE ON FILE WITH THE CODE ENFORCEMENT OFFICE PRIOR TO THE START OF WORK.			

HARPSWELL WHARF APPROVAL

Each applicant who applies for a wharf is required to read, sign and submit this form with a completed application.

When the Harpswell Board of Selectmen gives final approval to a wharf/ramp/float application pursuant to 38 MRSA §1022, **construction cannot begin** until the applicant has met all other legal requirements, which may include, but are not limited to approvals of the:

**U.S. Army Corps of Engineers,
Department of Environmental Protection,
Submerged Lands Program of the Bureau of Lands and Parks**
as well as relevant property ownership or rights of usage.

I understand as an applicant that I am asserting right, title or interest in the intertidal area, and that the Town, in issuing the permit, has made no judgment as to the accuracy of that claim and therefore, I, as the applicant, assume any and all related risks regarding this claim.

I certify that I will obtain all necessary rights and approvals to construct the wharf system for which I have applied, **before** beginning construction and understand that a false statement may be a violation of 17-A MRSA §456.

All approvals are required to be on file with the Code Enforcement Office prior to the start of work, or a double fee will be imposed.

Date 11/20/21

Applicant

Shirley Fox Dambrie

Map # 3 Lot # 95

FLOOD HAZARD DEVELOPMENT PERMIT

For Minor Development

Harpwell, Maine
(For Development not considered a Substantial Improvement)

This Flood Hazard Development Permit allows minor development as provided in Article V.F.3. of the Floodplain Management Ordinance of Harpwell, Maine, for development in a Special Flood Hazard Area as defined in said ordinance. Development authorized by this permit must be adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, be constructed with materials resistant to flood damage and be constructed by methods and practices that minimize flood damage. This permit is issued based on documentation that the information provided in the Flood Hazard Development Permit Application is in compliance with the Floodplain Management Ordinance.

Tax Map: 35 Lot #: 95

Project Description: Proposed construction of fixed piling supported
6'x42' dock; 3'x50' ramp; 12'x24' float

The permittee understands and agrees that:

- The permit is issued on the representations made herein and on the application for permit;
- The permit may be revoked because of any breach of representation;
- Once a permit is revoked all work shall cease until the permit is reissued or a new permit is issued;
- The permit will not grant any right or privilege to erect any structure or use any premises described for any purposes or in any manner prohibited by the ordinances, codes, or regulations of the municipality;
- The permittee hereby gives consent to the Code Enforcement Officer to enter and inspect activity covered under the provisions of the Floodplain Management Ordinance;
- The permit form will be posted in a conspicuous place on the premises in plain view; and,
- The permit will expire if no work is commenced within 180 days of issuance.

I hereby certify that all the statements in, and in the attachments to this permit are a true description of the existing property and the proposed development project.

Owner: _____ Date: _____
Signature

or
Authorized Agent: B. Daxberg for Dambasie Date: 11/20/21
Signature

Issued by: _____ Date: _____

Permit #: _____

FLOOD HAZARD DEVELOPMENT APPLICATION

Harpswell, Maine

(All applicants must complete entire application)
[60.3(b)]

Application is hereby made for a Flood Hazard Development Permit as required under Article II of the Floodplain Management Ordinance of Harpswell, Maine, for development as defined in said ordinance. This permit application does not preclude the need for other municipal permit applications.

Owner: Fred Dambrie

Address: P.O. Box Berlin, NH

Phone No.: 207-632-4128

03570

Applicant: Ben Wallace Sr./Real Fish

Address: 50 Halbrook Street

Phone No.: 207-729-0772

Harpswell, ME 04079

Contractor: Same as applicant

Address: _____

Phone No.: _____

LEGAL DESCRIPTION

Is this part of a subdivision? ☐ Yes ☐ No If yes, give the name of the subdivision and lot number:

Subdivision: _____

Lot #: _____

Tax Map: 35

Lot #: 95

Address: 170 Bayview Rd
Street/Road Name

Zip Code: Orr's Island, ME 04066
Town/Zip Code

General explanation of proposed development: Proposed construction of fixed piling supported 6'x42' dock; seasonal 3'x50' ramp; seasonal 12'x24' float with Keels & Moorings

Estimated Value of Proposed Development:

\$37,000-

Proposed Lowest Floor elevation [for new or substantially improved structure]:

0.0

OTHER PERMITS

Are other permits required from State or Federal jurisdictions?
If yes, are these other permits attached?

☒ Yes
☒ Yes

☐ No
☐ No

☐ Not Applicable

Sent by E-mail

Federal and State Permits may include but are not limited to: ME/DEP/Natural Resource Protection Act, Site Location of Development Act, Metallic Mineral Exploration, Advanced Exploration and Mining; USACE/Section 9 & 10 of the Rivers and Harbors Act; Section 404 of the Clean Water Act; Federal Energy Regulation Commission.

SEWER AND WATER

Sewage Disposal:

☐ Public

☐ Private

☐ Existing

☐ Proposed

☐ Not Applicable Type _____

Water Supply:

☐ Public

☐ Private



17 State House Station, Augusta, Maine 04333
Bureau of Land Resources

Request for Project Review

TO: Harpswell Code Enforcement-Bill Wells, DMR, USACE-LeeAnn Neal

DATE: November 4, 2021

FROM: Jessica Sayers, Project Manager
at (207) 275-9836 or jessica.sayers@maine.gov

Please review the project identified below and submit comments by the requested deadline. Questions may be directed to the DEP Project Manager. Please contact the Project Manager if you have not received a copy of the application.

The deadline for agency comments is

December 4, 2021

DEP Application #: L-29395-4P-A-N

Applicant Name: Fred Dambrie

Project Name: Pier System

Consultant: Betsy Darling,
Red Fish Associates

Location: Harpswell

Phone/Email: (207) 729-0772
seaphantom@juno.com

Notes to Reviewers:

The applicants propose to construct a residential pier system. The proposed pier system includes a 6-foot wide by 42-foot long fixed permanent pier, a 3-foot wide by 50-foot long seasonal ramp, and a 12-foot wide by 28-foot long float with moorings. The project site is located on Bayview Road in the town of Harpswell Maine. The DEP has accepted the application for review.

This is a ☒ NRPA or ☐ Site Location of Development Act application.

After a thorough review of the above project, as presented to us, and in consideration of our agency's standards, programs and responsibilities, the following comments are submitted to the Department of Environmental Protection:

(Comments must be signed and dated in order to be accepted by this Department. If additional space is needed, please attach another sheet).

SIGNATURE: _____ **DATE:** _____

DEP
Army Corp

RE: Fred Dambrie Jobsite
Harpswell Map 35, Lot 95

Activity Description

Proposed construction of a residential dock system. This project will have three components.

1. A 6'x42' dock, supported with pilings
2. A 3'x50' aluminum ramp.
3. A 12'x28' float

Alternate Analysis

This dock site is carefully chosen, to adhere to setbacks, as interpreted by codes and rules, as the contractor understands them. Please study this project carefully!

Construction Details

As stated in Appendix D, the materials will be brought by barge to the jobsite. Work on this project will be between tides, from half tide, through low tide, and halfway back to high tide. The contractor begins construction of the dock at the upland side, pilings and bracing first, then the decking, then the railing posts. Each of the pilings will be set on a one inch by 16 inch steel ledge pin and each head timber will attach to a ledge anchor with 3/8" chain. The seasonal ramp and float are built off site and brought to the jobsite by barge. The seasonal ramp will be placed on the dock for winter storage and the seasonal float will be trailered for winter storage.

For this project all wood will be Pressure Treated Southern Yellow Pine. All bolts, nails, chains, and anchors will be galvanized steel.

Erosion Control

There will be very minimal soil disturbance to the intertidal area during construction of the dock. The contractor does not break through the soil, by digging a hole; he drives the piling to the point of resistance compressing the soil. **Therefore, there will be no trees > 3" cut for this proposed construction.**

All materials and tools come by barge and stay on the barge. There is foot traffic only on the beach and the intertidal area. No activity or materials are brought across the upland. The contractor recognizes that any fixed structure has an impact on the environment. Because of this he always proposes the minimum structure necessary to get the landowners over the substrate and limit the area of impact.

Site Condition

Ben Wallace has more than 30 years' experience with dock building and deciphering the wetlands. He always fills out the Appendix B. He recognizes that this jobsite has marsh grass. The proposed structure will conform to the 6 foot clearance required by the DEP for height and impact over the marsh grass. The marsh grass is a high valued habitat and the height of the dock is very important to prevent shading.

Redfish & Associates, Inc.

Benjamin Wallace, Sr.
50 Holbrook Street
Harpwell, ME 04079
Phone (207) 729-0772

October 6, 2021

Town of Harpswell
DEP
Army Corp

RE: Letter of Justification
Fred Dambrie Jobsite Map #35 Lot #95

The Town of Harpswell has limited public access to the ocean for pleasure boating. The areas that are available are limited with their facilities. For example, there is inadequate parking at the two public access points near this jobsite. One is located 3 miles away at the Orr's Island Bridge and the other is 3.8 miles away at York's Landing. Both of these areas have very limited space for parking and are frequently congested with vehicles belonging to commercial fishermen, and there is no space to bring in a boat trailer, let alone trying to find a space to leave it without causing more congestion problems. A third possibility is York's Landing which is 4.3 miles away and has the same challenges. Any other location is even further away.

Anyone who is familiar with Harpswell is well aware of this ongoing problem. Shorefront owners want their own accessibility to the water in front of their homes. These are the fortunate ones. They can have access to the shore and water at their leisure. We still have thousands of residents in Harpswell, who are landlocked, no access to water, except at the limited public access points, with lack of adequate parking. Therefore, those who have shore property and the means to procure a residential dock system, would like to be able to do so. They would like the opportunity to enjoy their location more fully. The proposed construction of a modest, private, residential dock system would enable them to do just that, as well as have the opportunity to entertain other boating friends, by water.

Sincerely,

Mrs. Betsy Darling
Redfish & Associates, Inc.

**APPENDIX A: MDEP VISUAL EVALUATION
FIELD SURVEY CHECKLIST**

(Natural Resources Protection Act, 38 M.R.S. §§ 480 A - Z)

Name of applicant: Fred Dambrie Phone: call Agent

Application Type: NRPA

Activity Type: (brief activity description) Proposed construction of small dock system

Activity Location: Town: Harpeswell County: Cumberland

GIS Coordinates, if known: _____

Date of Survey: July 12, 2021 Observer: Ben Wallace Sr Phone: 207-729-0772

	Distance Between the Proposed Visibility Activity and Resource (in Miles)		
	0-1/4	1/4-1	1+
1. Would the activity be visible from:			
A. A National Natural Landmark or other outstanding natural feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A State or National Wildlife Refuge, Sanctuary, or Preserve or a State Game Refuge?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A state or federal trail?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. A public site or structure listed on the National Register of Historic Places?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. A National or State Park?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. 1) A municipal park or public open space?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
2) A publicly owned land visited, in part, for the use, observation, enjoyment and appreciation of natural or man-made visual qualities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3) A public resource, such as the Atlantic Ocean, a great pond or a navigable river?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. What is the closest estimated distance to a similar activity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. What is the closest distance to a public facility intended for a similar use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is the visibility of the activity seasonal? (i.e., screened by summer foliage, but visible during other seasons)		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Are any of the resources checked in question 1 used by the public during the time of year during which the activity will be visible?		<input checked="" type="checkbox"/> Yes <u>(water body)</u>	<input type="checkbox"/> No

A listing of National Natural Landmarks and other outstanding natural features in the State of Maine can be found at: www.nature.nps.gov/nnl/Registry/USA_map/states/Maine/maine.htm. In addition, unique natural areas are listed in the Maine Atlas and Gazetteer published by DeLorme.

(pink)

**APPENDIX B: MDEP COASTAL WETLAND CHARACTERIZATION:
INTERTIDAL & SHALLOW SUBTIDAL FIELD SURVEY CHECKLIST**

NAME OF APPLICANT: Fred Dambrie PHONE: call Agent

APPLICATION TYPE: NRPA

ACTIVITY LOCATION: TOWN: Harpwell COUNTY: Cumberland

ACTIVITY DESCRIPTION: ☐ fill ☒ pier ☐ lobster pound ☐ shoreline stabilization
☐ dredge ☐ other: _____

DATE OF SURVEY: July 12, 2021 OBSERVER: Ben Wallace Sr

TIME OF SURVEY: 8:30 am TIDE AT SURVEY: Low

SIZE OF DIRECT IMPACT OR FOOTPRINT (square feet):

Intertidal area: 8 ft pilings Subtidal area: Keels

SIZE OF INDIRECT IMPACT, if known (square feet):

Intertidal area: _____ Subtidal area: Float 336'

HABITAT TYPES PRESENT (check all that apply):

☐ sand beach ☐ boulder/cobble beach ☐ sand flat ☐ mixed coarse & fines ☒ salt marsh
☒ ledge ☒ rocky shore ☒ mudflat (sediment depth, if known: _____)

ENERGY: ☒ protected ☐ semi-protected ☐ partially exposed ☐ exposed

DRAINAGE: ☒ drains completely ☐ standing water ☐ pools ☐ stream or channel

SLOPE: ☒ >20% ☐ 10-20% ☐ 5-10% ☐ 0-5% ☐ variable

SHORELINE CHARACTER:

☒ bluff/bank (height from spring high tide: 9ft) ☐ beach ☒ rocky ☒ vegetated

FRESHWATER SOURCES: ☐ stream ☐ river ☐ wetland ☒ stormwater

MARINE ORGANISMS PRESENT:

	absent	occasional	common	abundant
mussels	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
clams	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
marine worms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rockweed	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
eelgrass	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
lobsters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SIGNS OF SHORELINE OR INTERTIDAL EROSION? ☐ yes ☒ no

PREVIOUS ALTERATIONS? ☐ yes ☒ no

CURRENT USE OF SITE AND ADJACENT UPLAND:

☐ undeveloped ☒ residential ☐ commercial ☐ degraded ☐ recreational

PLEASE SUBMIT THE FOLLOWING:

☒ Photographs ☒ Overhead drawing

(pink)

U.S. Army Corps of Engineers (USACE)
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
33 CFR 325. The proponent agency is CECW-CO-R.

Form Approved -
OMB No. 0710-0003
Expires: 02-28-2022

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - Fred Middle - Last - Dambrie Company - E-mail Address -	8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Ben Middle - Last - Wallace Sr Company - Redfish & Associates E-mail Address - scaphantom@juno.com
6. APPLICANT'S ADDRESS: Address- 323 School St City - Berlin State - NH Zip - 03570 Country - USA	9. AGENT'S ADDRESS: Address- 50 Holbrook St City - Harpswell State - ME Zip - 04079 Country - USA
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax call agent	10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 207-725-8528

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Long Cove	14. PROJECT STREET ADDRESS (if applicable) Address 170 Bayview Rd
15. LOCATION OF PROJECT Latitude: °N Longitude: °W	City - Harpswell State- ME Zip- 04079

3. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

State Tax Parcel ID Map 35, Lot 95 Municipality Harpswell
Section - Township - Range -

17. DIRECTIONS TO THE SITE

Off of Rte 24S Cook's Corner, Brunswick - Travel 10 miles, turn right onto Bayview Rd

18. Nature of Activity (Description of project, include all features)

Proposed construction of a 6' x 42' fixed dock with a 3'x 50' seasonal ramp and a 12' x 28' seasonal float with moorings.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To gain safe access to the water.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
-------------------------------	-------------------------------	-------------------------------

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- See attached list of abutters

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
Town of Harpswell	Land Use Permit		10/13/21		
DEP	NRPA		10/13/21		

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

Betsy Darling

SIGNATURE OF AGENT

10/13/2021

DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

8 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

35/95
mlw 1.1.16
correction

DLN: 1002140144129


**CONFIRMATORY
DEED OF SALE BY PERSONAL REPRESENTATIVE (INTESTATE)**

KNOW ALL PERSONS BY THESE PRESENTS, THAT Thomas A. Montgomery, III of Tabernacle, New Jersey, duly appointed and acting personal representative of the Estate of **ARLENE MONTGOMERY**, deceased intestate, as shown by the probate records of the County of Burlington, State of New Jersey (Docket No. 2020-2235) and as further shown by the probate records of the County of Cumberland, State of Maine (Docket No. 2020-1483) said Estate having a mailing address of 257 Carranza Road, Tabernacle, New Jersey, having given notice to each person succeeding to an interest in the real property described below at least ten (10) days prior to the sale, by the power conferred by the Probate Code, and every other power, for consideration paid, GRANTS to **FRED J. DAMBRIE, II** of 10 Juniper Ledge Road, Bartlett, NH 03838, the land in the town of Harpswell, County of Cumberland, State of Maine, described as follows:

See Attached Exhibit A.

WITNESS, my hand and seal this 7th day of May, 2021.

SIGNED, SEALED AND DELIVERED in the presence of



THOMAS A. MONTGOMERY, III
Personal Representative of the
Estate of Arlene Montgomery

State of New Jersey
County of Burlington

May 7, 2021

Then personally appeared the above-named Thomas A. Montgomery, III, Personal Representative of the Estate of **ARLENE MONTGOMERY** and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,



Notary Public

Printed Name:

My commission expires: 7/27/2025



Devon Carpenter
NOTARY PUBLIC
State of New Jersey
ID # 50132605
My Commission Expires
July 27, 2025

170 Bayview Road, Orr's Island, Harpswell

Exhibit A

A certain lot or parcel of land with any buildings thereon, situated on the easterly side of the Bay View Road in Orr's Island, Town of Harpswell, County of Cumberland and State of Maine, bounded and described as follows:

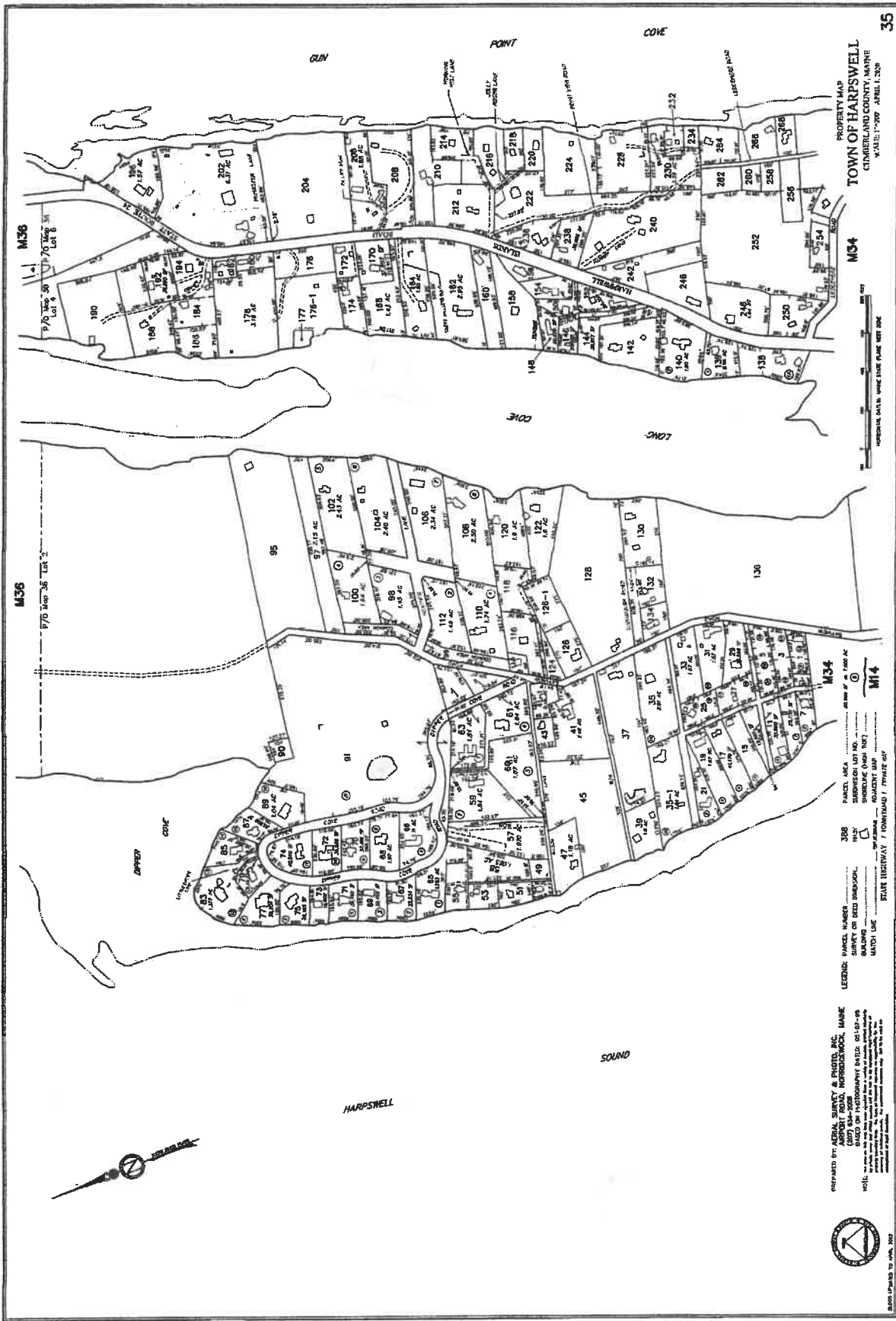
Beginning at the northwesterly corner of the lot of land conveyed to Avery M. Fides, Jr. and Peter J. Fides by Deed of Mae Belle Wilson dated May 27, 1952, recorded in the Cumberland County Registry of Deeds, Book 2085, Page 478; running thence southerly along the easterly side of said Bay View Road three hundred (300) feet from the point of beginning; running thence easterly along other land of said Peter J. Fides and Avery M. Fides, Jr. to the shore of Long Cove, so-called, and an iron marker which is intended to be three hundred (300) feet measured along the shore of said Cove from the northeasterly corner of land conveyed to Avery M. Fides, Jr. and Peter J. Fides by Deed of said Mae Belle Wilson; running thence northerly along the shore of said Long Cove three hundred (300) feet to the northeasterly corner of land so conveyed to Avery M. Fides, Jr. and Peter J. Fides as aforesaid; running thence westerly along the northerly line of land so conveyed to Avery M. Fides, Jr. and Peter J. Fides as aforesaid to the point or place of beginning on the Bay View Road. It is hereby covenanted that there is no right-of-way along the northerly line of the property hereby conveyed.

It is further covenanted that no right-of-way shall be created or established along the southerly line of the above described property or premises of Avery M. Fides, Jr. and Peter J. Fides immediately adjoining the above premises on the south.

Subject to an easement granted by Thomas A. Montgomery and Alma Montgomery to The Inhabitants of the Town of Harpswell for the purpose of a school bus turnout or turn around, as described in an instrument dated February 8, 1973 and recorded at Book 3363, Page 196 in the Cumberland County Registry of Deeds.

Also conveying any right, title and interest, in and to all of the land abutting the above described premises and lying between the high and low watermarks of Long Cove.

For source of title, reference is made to a deed from the Estate of Arlene Montgomery to Fred J. Dambrie, II, dated November 19, 2020 and recorded at Book 37507, Page 310 in the Cumberland County Registry of Deeds.



NORTH PROPERTY LINE

MOORING

PROPOSED FLOAT
12' x 28'

MOORING

MOORING

DIRECTION
OF
TIDE

OUT

IN

RAMP 8' x 50' PROPOSED

MUD

LEDGE
+
ROCKS
WITH
SEAWEED

OPPOSITE
SHORE 2500'

PROPOSED FIXED DOCK
6' x 42'

MARSH
GRASS

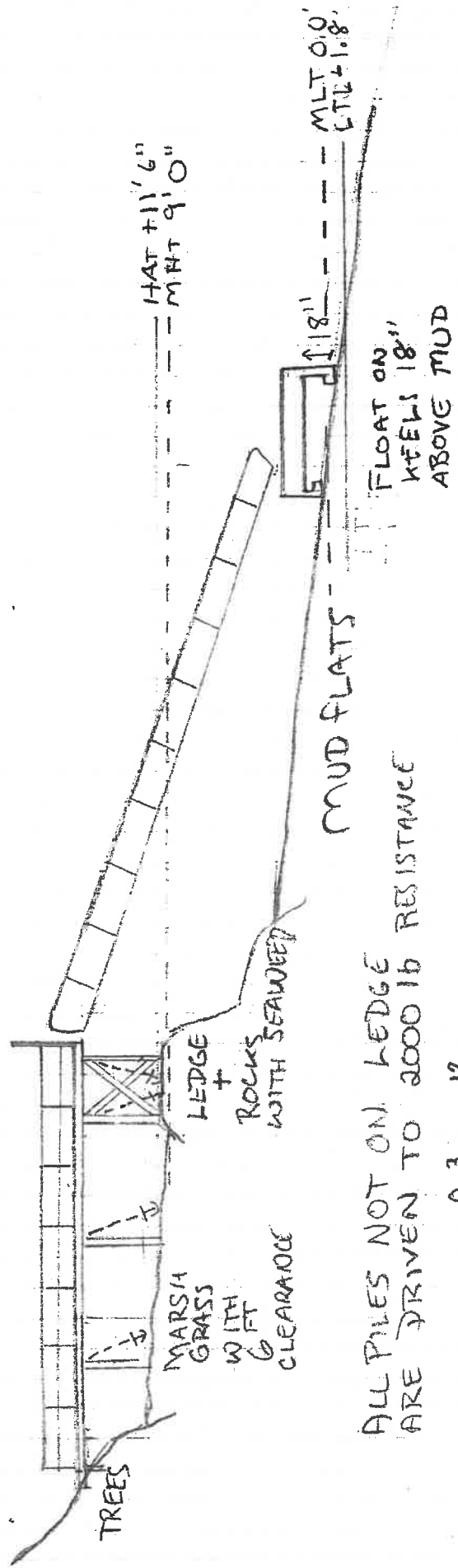
MUD

LEDGE

APPROX 270'
TO PROPERTY
LINE

0 3 12
SCALE IN
FEET

50'



ALL PILES NOT ON LEDGE ARE DRIVEN TO 2000 LB RESISTANCE

Map 35 Lot 100

7020 2450 0002 2881 4654

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Orr's Island, ME 04066

Certified Mail Fee \$3.75 0011 22

Extra Services & Fees (check box, add fee \$0.00):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent To Dennis & Carolyn Luescher
 Street and Apt. No., or PO Box No. 156 Bayview Rd
 City, State, ZIP+4® Orr's Island, ME 04066

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Map 35 Lot 91

7020 2450 0002 2881 4661

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Fort Mill, SC 29708

Certified Mail Fee \$3.75 0011 22

Extra Services & Fees (check box, add fee \$0.00):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent To Mr. Lisa Amigo
 Street and Apt. No., or PO Box No. 126 Sonny's Way
 City, State, ZIP+4® Fort Mill, SC 29708

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Map 35 Lot 102

7020 2450 0002 2881 4647

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Houston, TX 77056

Certified Mail Fee \$3.75 0011 22

Extra Services & Fees (check box, add fee \$0.00):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent To Mr. Peter J. Hay Trustee
 Street and Apt. No., or PO Box No. P.O. Box 460329 Dept 909
 City, State, ZIP+4® Houston, TX 77056

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Map 36 Lot 2

7020 2450 0002 2881 4630

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Brunswick, ME 04011

Certified Mail Fee \$3.75 0011 22

Extra Services & Fees (check box, add fee \$0.00):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent To Bowdoin College Coastal
 Street and Apt. No., or PO Box No. 6700 College Station
 City, State, ZIP+4® Brunswick, ME 04011

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Map 35 Lot 91

7020 2450 0002 2881 4678

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Orr's Island, ME 04066

Certified Mail Fee \$3.75 0011 22

Extra Services & Fees (check box, add fee \$0.00):
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.58

Total Postage and Fees \$4.33

Sent To Dipper Cove Assoc.
 Street and Apt. No., or PO Box No. 96 Dipper Cove Rd
 City, State, ZIP+4® Orr's Island, ME 04066

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

08/08

**PUBLIC NOTICE:
NOTICE OF INTENT TO FILE**

Please take notice that

Mr. Fred J. Dambrie II ph # 207-632-4128
P.O. Box 510 Berlin, NH 03570
(Name, Address and Phone # of Applicant)

is intending to file a Natural Resources Protection Act permit application with the Maine Department of Environmental Protection pursuant to the provisions of 38 M.R.S.A. §§ 480-A thru 480-BB on or about

October 8, 2021
(anticipated filing date)

The application is for

residential dock system
(description of the project)

at the following location:

170 Bayview Road Orr's Island, ME 04066
(project location)

A request for a public hearing or a request that the Board of Environmental Protection assume jurisdiction over this application must be received by the Department in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. A public hearing may or may not be held at the discretion of the Commissioner or Board of Environmental Protection. Public comment on the application will be accepted throughout the processing of the application.

For Federally licensed, permitted, or funded activities in the Coastal Zone, review of this application shall also constitute the State's consistency review in accordance with the Maine Coastal Program pursuant to Section 307 of the federal Coastal Zone Management Act, 16 U.S.C. § 1456. (Delete if not applicable.)

The application will be filed for public inspection at the Department of Environmental Protection's office in (Portland, Augusta or Bangor) (circle one) during normal working hours. A copy of the application may also be seen at the municipal offices in Harperswell, Maine.
(town)

Written public comments may be sent to the regional office in Portland, Augusta, or Bangor where the application is filed for public inspection:

MDEP, Central Maine Regional Office, 17 State House Station, Augusta, Maine 04333
MDEP, Southern Maine Regional Office, 312 Canco Road, Portland, Maine 04103
MDEP, Eastern Maine Regional Office, 106 Hogan Road, Bangor, Maine 04401

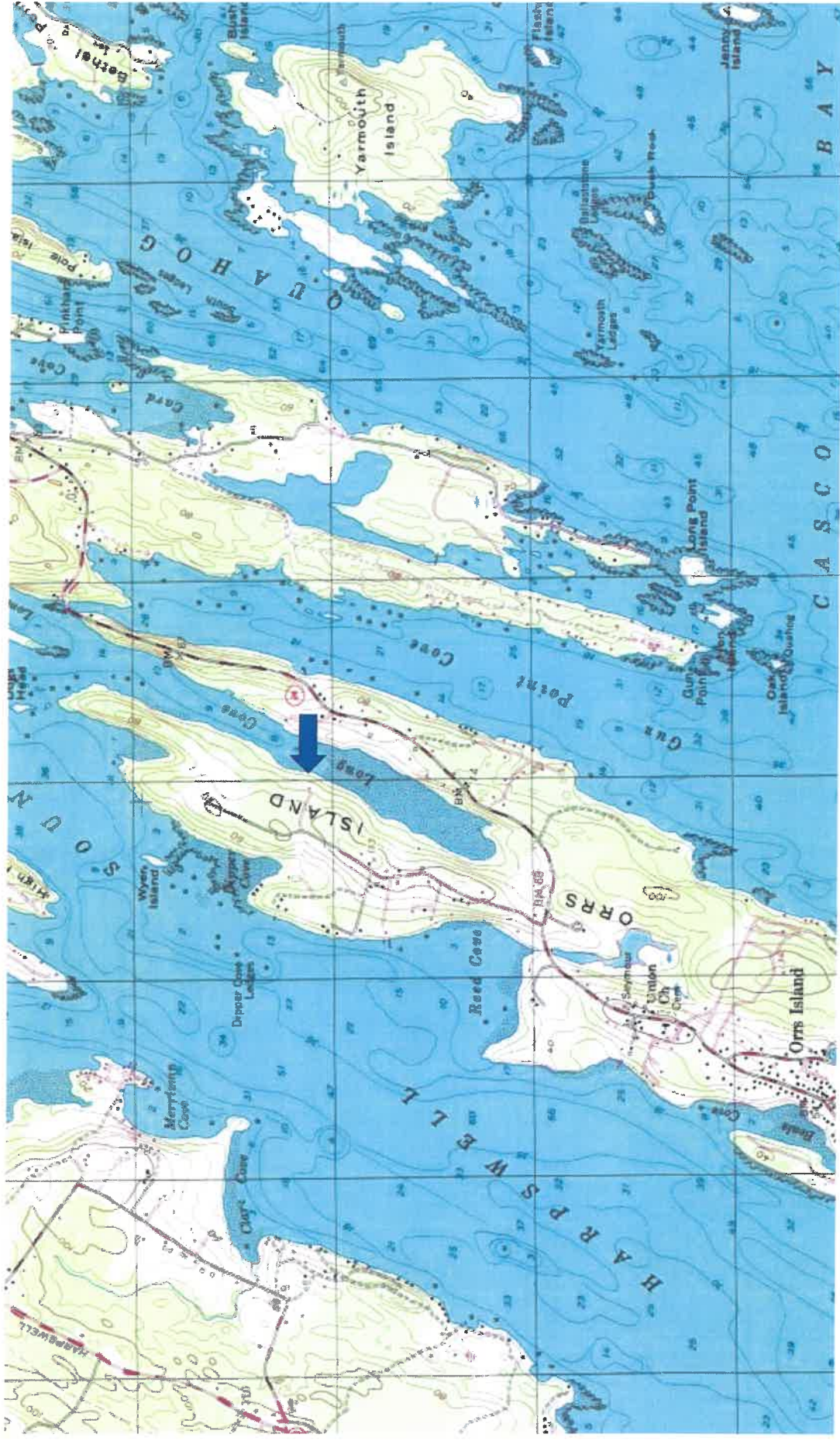
High Tide



Low Tide



Dambrie – NRPA - USGS Topo Map



Natural Resource Protection Act Application
APPENDIX D: Project Description Worksheet for a Dock, Pier or Wharf Application.

Help us process your application more efficiently by completing this worksheet, which is supplemental to a NRPA application for a dock, pier or wharf. A completed Appendix D may be substituted for Block 14 of the application page.

THIS IS AN APPLICATION FOR A.....

☐ Commercial wharf

If yes, indicate type of commercial activity: _____

License number: _____

Number of fishermen using this wharf: _____

☐ Public pier, dock or wharf

☐ Common or shared recreational pier, dock or wharf

☒ Private recreational pier, dock or wharf

☐ Expansion or modification of an existing structure

☐ Other, please indicate: _____

TELL US ABOUT YOUR BOAT....

My boat(s) requires a draft of 1 feet.

My boat(s) is 25 feet long.

Flat bottom

TELL US ABOUT YOUR PROJECT SITE.... For coastal piers and wharves, please complete Appendix B of the NRPA application. For freshwater docks, please describe the substrate and any vegetation: _____

SCENIC CONSIDERATIONS... Please complete Appendix A of the NRPA application.

WHAT FACILITIES ARE NEARBY?

The nearest public boat launch is located in Harpswell approximately 3 miles from the project location.
(town) (distance)

The nearest public, commercial, or private marina is located in Harpswell approximately 6 miles from the project location.
(distance) (town)

☐ I have inquired about slip or mooring availability at the nearest marina or public facility.

☐ Yes, a slip or mooring is available. ☐ No, a slip or mooring is not available.

Approximate expected time on waiting list: _____

☐ I have contacted the local Harbor Master.

Name: _____ Phone: _____

I currently use the following for my boat: ☐ Mooring ☐ Marina

TELL US ABOUT YOUR PROPOSED PIER, DOCK OR WHARF...

MATERIALS:

- ☒ The structure will be supported by pilings.
_____ pilings of _____ inches in diameter
- ☐ The structure will be supported by stacked, flow-through granite cribs.
_____ blocks, measuring _____ feet by _____ feet
- ☐ The structure will be supported by solid fill.
_____ square feet of solid fill
- ☐ Other: _____

DIMENSIONS:

Length of fixed section: _____ feet
Width of fixed section: _____ feet
Length of ramp: _____ feet
Dimensions of float: _____ feet wide by _____ feet long
Distance the structure will extend below mean low water (MLW): _____ feet
Depth of water at the fixed end of the structure: _____ feet
Depth of water at the float at low tide: _____ feet
Depth of water at the float at high tide: _____ feet
Dimensions of any proposed buildings (e.g. bait shed):
_____ feet high by _____ feet wide by _____ feet long

ACCESS:

During construction, my project site will be accessed via:

- ☐ Land
- ☐ Beach/intertidal area
- ☒ Water/barge

PUBLIC NOTICE FILING AND CERTIFICATION

Department Rules, Chapter 2, require an applicant to provide public notice for all Tier 2, Tier 3 and individual Natural Resources Protect Act projects. In the notice, the applicant must describe the proposed activity and where it is located. "**Abutter**" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** You must publish the Notice of Intent to File in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. You may use the attached Notice of Intent to File form, or one containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** You must send a copy of the Notice of Intent to File by certified mail to the owners of the property abutting the activity. Their names and addresses can be obtained from the town tax maps or local officials. They must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** You must send a copy of the Notice of Intent to File and a **duplicate of the entire application** to the Municipal Office.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

5. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
6. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days of the filing of the application;
7. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
8. Provided notice of and held a public informational meeting, if required, in accordance with Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published once in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____

Date

Approximately NA members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

Date



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

Mailed
10/6/21

ANGUS S. KING, JR.
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

To: All marine contractors typically applying to the Maine Historic Preservation Commission for cultural resources review as part of the permitting process for wharf, pier, dock, float, and runway projects.

Dear Contractors:

Over the past few months there has been a significant increase in the number of permit applications we have received for personal-use marine construction projects. Many of you are new to the process of cultural resource review and are understandably anxious to get your projects underway. In many cases, we have had to request additional information in order to properly review potential impacts to Maine's historic resources. In order to assist you, I have put together the following list of materials to help expedite this process:

- ☒ Cover letter stating what the project is and which agency (usually U.S. Army Corps or Maine DEP) permit is being applied for. *Both*
- ☒ Basic construction plans, including materials and rough dimensions. *# 5, 6*
- ☒ Topographic map clearly showing the project location. *# 3*
- ☒ Clear photo of shoreline to be impacted.
- ☐ Clear photo(s) of any buildings over fifty years old that are on or adjacent to the project site. If the project will not be visible from an adjacent building that is over fifty years old, please state this in writing and state the reason it will not be visible; but include a photograph of the building in any case. *✓/A*
- ☐ If there are no buildings over fifty years old, please state this in writing. *no buildings over 50 yrs*
- ☒ If the area already has several piers, docks, etc. within sight or is otherwise built-up, send directional photos from the project location. *# 7*
- ☒ If there are shipwrecks known to be in the vicinity of the project, send any available information about their location(s). *Not Known*

Please keep in mind that this process is *not* a formality and is required by the National Historic Preservation Act of 1966. If your project happens to be in an area of archaeological sensitivity, your client may be required to contract for an archaeological survey or redesign the project area. Also, if your project is adjacent to a structure eligible for inclusion or listed in the National Register of Historic Places, your client may have to contract for an architectural historian to compile and submit historical information and professional documentation about the structure, or redesign the project. However, most projects do not require these measures (are not in archaeologically sensitive areas or adjacent to important historic structures), and we will sign-

Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta, Maine 04333
Telephone: 207-287-7688

FOR DEP USE
ATS # _____
L- _____
Total Fees: _____
Date: Received _____

APPLICATION FOR A NATURAL RESOURCES PROTECTION ACT PERMIT

→ PLEASE TYPE OR PRINT IN BLACK INK ONLY

1. Name of Applicant:		Fred Dambrie		5. Name of Agent:		Ben Wallace Sr/Redfish							
2. Applicant's Mailing Address:		323 School St, Berlin, NH 03570		6. Agent's Mailing Address:		50 Holbrook St, Harpswell, ME 04079							
3. Applicant's Daytime Phone #:		207-632-4128		7. Agent's Daytime Phone #:		207-729-0772							
4. Applicant's Email Address (Required from either applicant or agent):				8. Agent's Email Address:									
				seaphantom@juno.com (Betsy)									
9. Location of Activity: (Nearest Road, Street, Rt.#)		Bayview Rd		10. Town:		Harpswell							
				11. County:		Cumberland							
12. Type of Resource: (Check all that apply)		<input type="checkbox"/> River, stream or brook <input type="checkbox"/> Great Pond <input checked="" type="checkbox"/> Coastal Wetland <input type="checkbox"/> Freshwater Wetland <input type="checkbox"/> Wetland Special Significance <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Fragile Mountain		13. Name of Resource:		Long Cove							
				14. Amount of Impact: (Sq.Ft.)		Fill:							
						Dredging/Veg Removal/Other: 738							
15. Type of Wetland: (Check all that apply)		<input type="checkbox"/> Forested <input type="checkbox"/> Scrub Shrub <input type="checkbox"/> Emergent <input type="checkbox"/> Wet Meadow <input type="checkbox"/> Peatland <input checked="" type="checkbox"/> Open Water <input type="checkbox"/> Other _____		FOR FRESHWATER WETLANDS <table border="1"> <thead> <tr> <th>Tier 1</th> <th>Tier 2</th> <th>Tier 3</th> </tr> </thead> <tbody> <tr> <td> <input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input checked="" type="checkbox"/> 10,000-14,999 sq ft </td> <td> <input type="checkbox"/> 15,000 - 43,560 sq. ft. </td> <td> <input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1 </td> </tr> </tbody> </table>				Tier 1	Tier 2	Tier 3	<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input checked="" type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1
Tier 1	Tier 2	Tier 3											
<input type="checkbox"/> 0 - 4,999 sq ft. <input type="checkbox"/> 5,000-9,999 sq ft <input checked="" type="checkbox"/> 10,000-14,999 sq ft	<input type="checkbox"/> 15,000 - 43,560 sq. ft.	<input type="checkbox"/> > 43,560 sq. ft. or <input type="checkbox"/> smaller than 43,560 sq. ft., not eligible for Tier 1											
16. Brief Activity Description:		Proposed construction of a 6' x 42' fixed dock with a 3'x 50' seasonal ramp and a 12' x 28' float with moorings.											
17. Size of Lot or Parcel & UTM Locations:		<input type="checkbox"/> _____ square feet, or <input checked="" type="checkbox"/> 6 acres UTM Northing: _____ UTM Easting: _____											
18. Title, Right or Interest:		<input checked="" type="checkbox"/> own <input type="checkbox"/> lease <input type="checkbox"/> purchase option <input type="checkbox"/> written agreement											
19. Deed Reference Numbers:		Book #: _____ Page: _____		20. Map and Lot Numbers:		Map #: 35 Lot #: 95							
21. DEP Staff Previously Contacted:		n/a		22. Part of a larger project:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
23. Resubmission of Application?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, previous application #		n/a							
24. Written Notice of Violation?:		<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		If yes, name of DEP enforcement staff involved:		n/a							
25. Previous Wetland Alteration:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Previous project manager: n/a									
26. Detailed Directions to the Project Site:		p/u Rte 24S Cook's Corner, Brunswick - Travel 10 miles, turn right onto Bayview Rd											
27. TIER 1		TIER 2/3 AND INDIVIDUAL PERMITS											
<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Narrative Project Description <input type="checkbox"/> Plan or Drawing (8 1/2" x 11") <input type="checkbox"/> Photos of Area <input type="checkbox"/> Statement of Avoidance & Minimization <input type="checkbox"/> Statement/Copy of cover letter to MHPC		<input type="checkbox"/> Title, right or interest documentation <input type="checkbox"/> Topographic Map <input type="checkbox"/> Copy of Public Notice/Public Information Meeting Documentation <input type="checkbox"/> Wetlands Delineation Report (Attachment 1) that contains the information listed under Site Conditions <input type="checkbox"/> Alternatives Analysis (Attachment 2) including description of how wetland impacts were Avoided/Minimized		<input type="checkbox"/> Erosion Control/Construction Plan <input type="checkbox"/> Functional Assessment (Attachment 3), if required <input type="checkbox"/> Compensation Plan (Attachment 4), if required <input type="checkbox"/> Appendix A and others, if required <input type="checkbox"/> Statement/Copy of cover letter to MHPC <input type="checkbox"/> Description of Previously Mined Peatland, if required									
28. FEES Amount Enclosed:		\$543											

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

By signing below the applicant (or authorized agent), certifies that he or she has read and understood the following :

DEP SIGNATORY REQUIREMENT

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor a permit be issued.

CORPS SIGNATORY REQUIREMENT

USC Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry shall be fined not more than \$10,000 or imprisoned not more than five years or both. I authorize the Corps to enter the property that is subject to this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

DEP SIGNATORY REQUIREMENT

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Further, I hereby authorize the DEP to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address located on the front page of this application (see #4 for the applicant and #8 for the agent)."

Betsy Darling Digitally signed by Betsy Darling
Date: 2021.10.13 10:24:40 -04'00'

Date: **10/13/2021**

SIGNATURE OF AGENT/APPLICANT

NOTE: Any changes in activity plans must be submitted to the DEP and the Corps in writing and must be approved by both agencies prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: August 2021

Contact: (207) 314-1458

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

Except as provided below, there are two methods available to an aggrieved person seeking to appeal a licensing decision made by the DEP Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review Organization and Powers, 38 M.R.S. §§ 341-D(4) and 346; the Maine Administrative Procedure Act, 5 M.R.S. § 11001; and the DEP's *Rule Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30th calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
ruth.a.burke@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

REQUIRED APPEAL CONTENTS

A complete appeal must contain the following information at the time the appeal is submitted.

1. *Aggrieved status.* The appeal must explain how the appellant has standing to bring the appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions of law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing criteria that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license to changes in specific license conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for hearing must be filed as part of the notice of appeal, and it must include an offer of proof regarding the testimony and other evidence that would be presented at the hearing. The offer of proof must consist of a statement of the substance of the evidence, its relevance to the issues on appeal, and whether any witnesses would testify. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed supplemental evidence must be submitted with the appeal. The Board may allow new or additional evidence to be considered in an appeal only under limited circumstances. The proposed supplemental evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Requirements for supplemental evidence are set forth in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 bill.hinkel@maine.gov, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. The DEP provides this information sheet for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
